

NEBRASKA ADMINISTRATIVE CODE

TITLE 23, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 18

NEBRASKA DEPARTMENT OF AGRICULTURE

COMMERCIAL DOG AND CAT OPERATOR INSPECTION REGULATIONS

August, 2003 Amendment

## NEBRASKA ADMINISTRATIVE CODE

### TITLE 23 - NEBRASKA DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### CHAPTER 18 - COMMERCIAL DOG AND CAT OPERATOR INSPECTION REGULATIONS

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ANIMAL INDUSTRY

CHAPTER 18 - COMMERCIAL DOG AND CAT OPERATOR INSPECTION  
REGULATIONS

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LAST DATE AMENDED: July 21, 2001

## TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

### CHAPTER 18 - COMMERCIAL DOG AND CAT OPERATOR INSPECTION REGULATIONS

001 Statement of Purpose. The purpose of these regulations is to aid in the administration of the Commercial Dog and Cat Operator Inspection Act, Neb. Rev. Stat. §§54-625 to 54-641.

002 Administration. These regulations shall be administered by the Department of Agriculture's Bureau of Animal Industry located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351; Fax number (402) 471-6893.

003 Definitions. The definition of terms found in the Commercial Dog and Cat Operator Inspection Act §§54-625 to 54-641 and below shall apply to such terms when found in these regulations.

003.01 ACT means the Commercial Dog and Cat Operator Inspection Act, §§54-625 to 54-641.

003.02 PERSON means any individual, partnership, limited liability company,

association, corporation, joint-stock company, political body, society, community, the public generally or organized group of persons, whether incorporated or not.

#### 004 Application For License.

004.01 Any person operating a boarding kennel or acting as a dealer or commercial breeder shall have a valid license issued by the department in accordance with the act and regulations. As of October 1, 2003, any person operating an animal control facility or animal shelter shall have a valid license issued by the department in accordance with the act and regulations. As of January 1, 2004, any person operating a pet shop shall have a valid license issued by the department in accordance with the act and regulations.

004.02 Any person seeking a license under the provisions of the act and regulations shall apply on an application furnished by the department. The applicant shall provide all information requested on the application, including a valid mailing address through which the licensee or applicant can always be reached, and a valid premises address where dogs or cats, dog and cat facilities, equipment and records may be inspected for compliance. All premises, facilities or sites where a person operates, has an interest in or keeps dogs and cats shall be shown on the application or on a separate sheet attached to it. The applicant shall file the completed application with the department. Applications must be accompanied with the appropriate fee as required in the act and regulations. Applications may be obtained by contacting the Department of Agriculture's Bureau of Animal Industry, located in the State Office Building, Fourth Floor, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787.

004.03 An applicant shall obtain a separate license for each separate physical facility requiring a license according to the act and regulations.



004.04 Any person exempt from the license requirements may voluntarily apply for a license, but shall agree in writing to comply with the requirements set forth in the act and regulations, the specifications for the humane handling of dogs and cats as set forth in subsection 007.01. The voluntary licensee is subject to the same enforcement actions as any other licensee. A voluntary license may be surrendered at any time the licensee so desires.

004.05 Before the department approves an application for an initial license, an inspector of the department may inspect the operation of the applicant to determine whether the applicant qualifies to hold a license pursuant to the Commercial Dog and Cat Operator Inspection Act. An applicant who qualifies shall be issued a license, after paying the required annual license fee, any applicable penalty, and after passing any inspection conducted by the department.

004.06 A license shall be issued to specific persons for specific premises, facilities and operations, and does not transfer upon change of ownership or any other change of business or operation nor is it valid at a different location.

004.07 There shall be no refund of fees if a license is terminated for any reason before its expiration.

004.08 Licensees shall accept delivery of registered mail or certified mail sent by the department.

004.09 Licenses for commercial breeders, dealers, and boarding kennels shall expire on March 31 of each year. Licenses for animal shelters and animal control facilities shall expire on September 30, 2004 and on September 30 each year thereafter. Licenses for pet shops shall expire on March 31, 2005 and on March 31 each year thereafter. Licenses shall automatically terminate at midnight on the expiration date unless the properly completed application with the appropriate fee has been received by the department. A person whose license has been automatically terminated shall not conduct any activity for which a license is required by the act and regulations until requirements for issuing the license have been met and a valid license has been duly issued.

004.10 Any person who seeks the reinstatement of a license that has been automatically terminated shall follow the procedure applicable to new applicants for a license.

004.11 A license which is invalid under the act and regulations shall be surrendered to the department. The licensee shall provide a written statement to the director, if the license has been lost or misplaced.

004.12 Each applicant shall submit the total number of dogs and cats sold, traded, bartered, brokered, given away, boarded or leased during the previous calendar year and any other information required on the application.

004.13 A licensee shall notify the department in writing of any change in the name, address, management, control or ownership of the business or operation, or of additional sites, within ten (10) days of the change.

004.14 The license shall be renewed annually pursuant to the requirements of the act and the regulations.

#### 005 License Enforcement Actions.

005.01 The director may deny issuing or renewing or may revoke, suspend, or place on probation, a license on any one (1) or more of the following grounds:

005.01A Material and deliberate misstatement on the application for any original license or for any renewal license;

005.01B Conviction of any violation of any state or federal law on the disposition or treatment of dogs or cats;

005.01C The failure of any person to comply with any provision of the act and regulations; or

005.01D The refusal to allow an inspector free and unrestricted access to inspect any records required to be kept under the act and regulations; or any dog or cat, premises, facility, area, equipment or vehicle.

005.01E Failure to pay any required fees under the act and regulations. Any returned check will be deemed nonpayment of fees.

005.02 Licensees whose licenses have been suspended or revoked.

005.02A Any person whose license has been suspended or revoked for any reason shall not be licensed under his or her name, or in any other manner within the period during which the suspension or revocation is in effect. No partnership, firm, corporation or other legal entity in which any



such person has an interest, financial or otherwise, will be licensed during that period.

005.02B Any person who has been an officer, agent, immediate family member or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the license was suspended or revoked will not be licensed within the same period during which the suspension or revocation is in effect.

005.03 Any person whose license has been suspended may apply in writing to the director for reinstatement of his or her license. Any person whose license has been revoked may apply in writing to the director for issuance of a new license.

#### 006 Inspections and Complaints.

006.01 All premises licensed under the act and regulations shall be inspected as determined necessary by the department to carry out its duties under the act and regulations.

006.02 Any inspection conducted under the act will be performed in accordance with subsection 007.01, the act, and these regulations.

006.03 All complaints received under the act and regulations shall be reviewed and evaluated, after which the department may assign priorities to the complaints and initiate an inspection. The priorities and inspections shall be conducted in the following descending order when determined by the department to be reasonable and logical:

006.03A Any complaint indicating dog or cat neglect or abuse which may endanger the health of any dogs or cats.

006.03B Written and signed complaints indicating a violation of the act and regulations.

006.03C Anonymous complaints indicating a violation of the act and regulations.

006.04 Routine inspections shall be conducted in the following order:

006.04A Random selection of facilities which are not licensed by the United States Department of Agriculture.

006.04B Random selection of facilities which are United States Department of Agriculture licensed.

007 Humane Treatment of Dogs and Cats.

007.01 Licensees shall comply with the requirements of the act and these regulations regarding the humane handling, care, treatment, and transportation of dogs and cats. For the purposes of enforcement of the act and regulations, the department adopts the specifications for the humane handling, care, treatment, and transportation of dogs and cats, the standards of the Animal and Plant Inspection Service of the United States Department of Agriculture, as published in 9 C.F.R. §§3.1 to 3.19, (2003) (a copy of which is attached to the regulations as Appendix A and incorporated herein by reference) so long as these standards do not conflict with the act. If there is an inconsistency between the act and 9 C.F.R. §§3.1 to 3.19, the act shall control.

007.02 Attending veterinarian and adequate veterinary care are required for animals under the care, supervision, or control of a commercial breeder, pet shop, or dealer.

007.02A Each commercial breeder, pet shop, and dealer licensed under the act and regulations shall have a veterinary care plan with a consulting veterinarian. The formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the licensee.

007.02B Each commercial breeder, pet shop, and dealer licensed under the act and regulations shall establish and maintain programs of adequate veterinary care that include:

007.02B(1) The availability of appropriate facilities, personnel, equipment and services to comply with the provisions in the act and regulations;

007.02B(2) The use of appropriate methods to prevent, control, diagnose and treat diseases and injuries, and the availability of emergency, weekend and holiday care;

007.02B(3) The maintenance of individual health records on all dogs and cats above the age of eight (8) weeks or that have been weaned or that have been treated with a medical procedure, whichever occurs first. Litter health records may be kept on litters when litter-mates are treated with the same medication or procedure. Health records, or a copy, shall accompany all dogs and cats upon the transfer of ownership;

007.02B(4) Daily observation of all dogs and cats to assess their health and well-being. Provided, however, that daily observation of dogs and cats may be accomplished by someone other than the attending veterinarian; and provided further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of dog or cat health, behavior and well-being is conveyed to the attending veterinarian;

007.02B(5) Adequate training and guidance to personnel involved in the care of dogs and cats. The employer must be certain his or her employees can perform at the level required by the act and regulations; and

007.02B(6) Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

007.03 Each boarding kennel shall have a veterinary care plan. Such plan shall include:

007.03A The veterinarian of choice by the owner of the dog or cat that is being boarded, in the event veterinary care is needed; or

007.03B A formal arrangement with a veterinarian to provide veterinary services as needed.

## 008 Identification.

008.01 All licensees with a United States Department of Agriculture license shall identify their animals as prescribed in 9 C.F.R. §§2.50 to 2.55, (2003), a copy of which is attached to the regulations as Appendix B and incorporated herein by reference.

008.02 All licensees without a United States Department of Agriculture license shall identify all dogs and cats held on the premises, purchased, boarded, sheltered or otherwise acquired, sold, released, given away or otherwise disposed of or removed from the premises for any reason to or through any person, by one (1) or more of the following appropriate methods:

008.02A By an official tag of the type described in subsection 008.07 of this section affixed to the neck of the dog or cat by means of a collar made of a material generally considered acceptable to pet owners. In general, well fitting collars made of plastic, nylon or leather will be acceptable. The use of certain types of chains may also be acceptable if sharp edges cannot be felt which may reasonably be expected to cause discomfort to the animal. The use of materials such as wire, elastic or any other material which may seem to cause discomfort to the dog or cat shall not be used;

008.02B A distinctive and legible tattoo marking approved by the department;

008.02C A microchip implant which meets the following requirements:

008.02C(1) A microchip scanner device shall be readily available to the department's inspector or authorized agents.

008.02C(2) Identification records which indicate the microchip number, the manufacturer of the microchip, and the approximate location of the microchip in the dog or cat shall be maintained and readily available for inspection.

008.02C(3) The department may require an official tag or tattoo at any time if the microchipping system is determined to be ineffective or a dog or cat with a microchip implant is moved to a regulated facility which does not have a compatible scanner.

008.02D Puppies or kittens, less than sixteen (16) weeks of age, may be identified by:

008.02D(1) A plastic type collar acceptable to the department which has the information legibly placed on the collar as required for an official tag pursuant to subsection 008.08 of this section;

008.02D(2) A distinctive and legible tattoo marking approved by

the department; or,

008.02D(3) A microchip implant acceptable to the department.

008.02E Boarding kennels, in lieu of individual identification, shall maintain records as required by subsection 010.02.

008.03 All dogs and cats shall be officially identified at the time of acquisition, or in the case of puppies or kittens, when weaned or separated from their mother or foster mother. When any licensee has made a reasonable effort to affix an official tag to a cat, as set forth in this section, and has been unable to do so, or when the cat exhibits serious distress from the attachment of the collar and tag, the licensee shall attach the collar and tag to the door of the primary enclosure containing the cat and take measures to maintain the identity of the cat in relation to the tag. Each primary enclosure shall contain no more than one (1) weaned cat without a fixed collar and official tag, unless the cats are identified by a distinctive and legible tattoo or plastic-type collar approved by the department.

008.04 If a dog or cat is already identified by an official tag or tattoo which has been applied by another licensed entity under 9 C.F.R. §§2.50 to 2.55, (2003), or under this act and regulations, including microchips, the acquiring licensee may continue identifying the dog or cat by the previous identification number, or may replace the previous tag with his or her own official tag, tattoo, or microchip, in which case, only the new identification number shall be used for all subsequent sales or transactions. In either case, the licensee shall correctly list all old and new tag numbers, tattoos, or microchips in his or her records.

008.05 Tags shall be sequentially numbered, used in sequential order, and shall be referenced to records which completely and accurately identify the source of the dog or cat and any number used by that source to identify the dog or cat, all medical treatments or procedures, and disposition of the dog or cat.

008.06 No licensee shall use the same identification number for a period of at least 5 years.

008.07 The official tag shall be made of a durable alloy such as brass, bronze, steel or a durable plastic. Aluminum of a sufficient thickness to assure the tag is durable and legible may also be used. The tag shall be one (1) of the following shapes:

008.07A Circular in shape and not less than one and one-fourth inches

(1 1/4") in diameter; or

008.07B Oblong and flat in shape, not less than two inches long by three-fourths inch ( $2" \times 3/4"$ ) wide and riveted to a collar acceptable to the director.

008.08 Each official tag shall have the following information embossed or stamped on one (1) side that is easily readable:

008.08A The letters NE;

008.08B The letters and numbers identifying the licensee or facility, as assigned by subsection 008.09; and

008.08C The number identifying the dog or cat.

008.09 Licensees shall obtain the official tags or cage cards at their own expense. Tags and cards are available from commercial manufacturers. At the time a licensee is issued a license, the department shall assign a license number to be used on official tags.

008.10 Each licensee shall be held accountable for all official tags acquired. In the event an official tag is lost from a dog or cat while in the possession of the licensee, the licensee shall make every diligent effort to locate and reapply the tag to the proper dog or cat. If the lost tag is not located, the licensee shall affix another official tag to the dog or cat and record both the old and new tag numbers on the official records. Only the new number shall be used on subsequent transactions.

008.11 When a dog or cat with an official tag is euthanized or dies from any other cause, the official tag shall be removed from the dog or cat and saved for a period of one (1) year following the death. If the official tag is removed from a dog or cat at the time of disposition of the dog or cat, the official tag shall be saved for a period of one (1) year following the disposition.

009 Prohibitions for Stolen Dogs or Cats. No person shall buy, sell, exhibit, transport or offer for transportation, any stolen dog or cat.

#### 010 Record Keeping.

010.01 Records for Commercial Breeders, Pet Shops, and Dealers.

010.01A Each commercial breeder, pet shop, and dealer shall make, keep and maintain records or forms based on information obtained from the seller which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held or otherwise in his or her possession or control which is transported, euthanized, sold, or otherwise disposed of by that licensee. The records shall include any offspring born of any dog or cat while in his or her possession or under his or her control. Such records shall include:

010.01A(1) The name and complete mailing address of the person from whom a dog or cat was purchased or otherwise received or acquired whether or not the person is required to be licensed under this act and regulations;

010.1A(2) The United States Department of Agriculture license or registration number, the license number issued under the act and regulations, or the license or registration number from any other state, whichever is applicable;

010.01A(3) The vehicle license number and state, and the driver's license number and state, if he or she is not licensed or registered under the act and regulations or by the United States Department of Agriculture;

010.01A(4) The name and complete mailing address of the person to whom a dog or cat was sold, given or delivered, and that person's license or registration numbers if licensed or registered under the act and regulations or by the United States Department of Agriculture;

010.01A(5) The date a dog or cat was acquired or disposed of, or both, and the method of disposition, including by death or euthanasia;

010.01A(6) The official tag number, tattoo, or microchip assigned to a dog or cat by the department or the United States Department of Agriculture;

010.01A(7) A description of each dog or cat which shall include:

010.01A(7)(a) The species and breed or type;

010.01A(7)(b) The sex;

010.01A(7)(c) The date of birth or approximate age; and

010.01A(7)(d) The color and any distinctive markings;

010.01A(8) The method of transportation including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;

010.01A(9) The form referred to as Record of Acquisition and Dogs and Cats on Hand, Animal and Plant Health Inspection Service Form 7005 or similar form may be used, a copy of which is attached to these regulations as Appendix C, and incorporated herein by reference; the form referred to as the Record of Disposition of Dogs or Cats, Animal and Plant Health Inspection Service Form 7006 or similar form may be used, a copy which is attached as Appendix D, and incorporated herein by reference, all of which shall be maintained by commercial breeders, dealers and voluntary licensees;

010.01A(10) The form referred to as The United States Department of Agriculture Interstate and International Certificate of Health Examination for Small Animals VS Form 18-1 or similar form may be used by dealers, a copy which is attached as Appendix E, and incorporated herein by reference, to make, keep and maintain the information required by part 010.01A of these regulations; and

010.01A(11) One (1) copy of the record containing the information required by this section shall accompany each shipment of any dog or cat purchased or otherwise acquired by a commercial breeder or dealer. One (1) copy of the record containing the information required by this section shall accompany each shipment of any dog or cat sold or otherwise disposed of by a commercial breeder or dealer; provided, however, that information which indicates the source and date of acquisition of a dog or cat need not appear on the copy of the record accompanying the shipment. One (1) copy of the record containing the information required by this section shall be retained by the commercial breeder or dealer.



010.01B Individual medical records shall be based on information obtained from the seller and maintained on all dogs or cats bought, raised, or otherwise obtained, held, kept, maintained, sold, donated or otherwise disposed of, including by death or euthanasia. Such records shall specify all treatments and medications given and all procedures performed on the dogs or cats, to include reasons for or the condition requiring the treatment, medication or procedure, and the results of the treatment, medication or procedure will be included in this record. Litter health records may be kept on litters when all litter mates are treated with the same medication or procedure. Medical records or a copy may accompany the dog or cat when sold.

010.01C No licensee for a period of one (1) year, shall destroy or dispose of, without the consent in writing of the director, any books, records, documents or other papers required to be kept and maintained under the act and regulations.

010.01D Unless otherwise specified, the records required to be kept and maintained under this regulation shall be held for one (1) year after a dog or cat is euthanized or disposed of and for any period in excess of one (1) year as necessary to comply with the act and regulations. Whenever the director notifies the licensee in writing that specified records shall be retained pending completion of an investigation or proceeding under the act and regulations, the licensee shall hold those records until their disposition is authorized by the director.

010.02 Records for Boarding Kennels.

010.02A Every operator of a boarding kennel shall make, keep and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat boarded, or otherwise kept or maintained:

010.02A(1) Name, address and phone number of dog or cat owner;

010.02A(2) Emergency contact number;

010.02A(3) Dog's or cat's name, age, sex and breed;

010.02A(4) Rabies vaccination information;

010.02A(5) Preexisting physical problems;

010.02A(6) Medication information and instructions;

010.02A(7) Veterinarian of choice;

010.02A(8) Special feeding instructions, if needed;

010.02A(9) Special boarding instructions, if needed;

010.02A(10) Any additional services to be performed;

010.02A(11) Date dog or cat was received; and

010.02A(12) Date dog or cat was released.

010.02B The record of daily health observations, medications and treatments given and exercise periods shall be maintained.

010.02C All records shall be maintained for a period of sixty (60) days except on those dogs or cats on which a complaint was made by the owner of the kenneled dogs or cats, or if some other problem occurred during boarding, those records

shall be  
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011 Procurement of Dogs and Cats By Dealers.

011.01 A dealer may obtain dogs and cats from within this state only from other licensees who are licensed under the act and regulations in accordance with these regulations.

011.02 No person shall obtain live dogs or cats by use of false pretenses, misrepresentation or deception.

012 Licensees Restricted in Sales to Dealers. Licensees shall not sell to dealers operating within the state who are not licensed under the act and in accordance with these regulations.

013 Spaying and Neutering.

013.01 Licensees and any other retailer, who transfers ownership of a dog or cat to an ultimate consumer, shall comply with the spaying and neutering requirements of the act.

014 Publications Adopted. See Appendix.

Title 23  
Chapter 18

015 Annotation. Neb. Rev. Stat. §§54-625 to 54-641(Cum. Supp. 2000 and Supp. 2003).

## APPENDIX

- A. Code of Federal Regulations, 9 C.F.R., Part 3 - Standards, Subpart A - Humane Handling, Care, Treatment, and Transportation of Dogs and Cats, §§3.1 to 3.19 (2003).
- B. Code of Federal Regulations, 9 C.F.R., Part 2 - Regulations, Subpart E - Identification of Animals, §§2.50 to 2.55 (2003).
- C. Record of Acquisition and Dogs and Cats on Hand, APHIS FORM 7005.
- D. Record of Disposition of Dogs or Cats, APHIS FORM 7006.
- E. United States Interstate and International Certificate of Health Examination for Small Animals, VS FORM 18-1.

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